

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS JUN 17 AM 11:50
FORT WORTH DIVISION

DEPUTY CLERK *RA*

UNITED STATES OF AMERICA

v.

LINDA AVILES

3-16CR-262-B
CRIMINAL NO.

FACTUAL RESUME

PLEA:

Information, Count One:
Supplemental Security Income Representative Payee Fraud
Violation of 42 U.S.C. § 1383a(a)(4)

ELEMENTS OF
THE OFFENSE:

In order to establish the guilt of Defendant for Count One of the Information, a violation of 42 U.S.C. § 1383a(a)(4), Supplemental Security Income Representative Payee Fraud, the Government must prove each of the following elements beyond a reasonable doubt:

- First: That the defendant applied to receive the benefits described in the indictment, Supplemental Security Income benefits, on behalf of another;
- Second: That the defendant received those benefits on behalf of another; and
- Third: That the defendant knowingly and willfully converted any part of the benefits received on behalf of another to an unauthorized use.

STIPULATED FACTS:

Linda Aviles, Defendant, admits that, in or about April 2010, in Albuquerque, New Mexico, she applied to become the representative payee for J.S. and E.S., her minor children, and agreed to receive their Supplemental Security Income benefits on their

behalf as their representative payee. Aviles further admits that, from April 2010 through March 2015, she accepted those benefits on behalf of E.S. and J.S. However, during that time period, neither child lived with Aviles, and Aviles did not provide for their care. Rather, Aviles moved to Dallas, Texas, while both children remained in Albuquerque and lived with their father and paternal grandmother. During this time period, in the Dallas Division of the Northern District of Texas, Aviles knowingly and willfully converted the benefits she received to her own use, or an otherwise unauthorized use, rather than for the use and benefit of E.S. and J.S. The amount of funds improperly paid during this period is \$82,576.00. This conduct violates 42 U.S.C. § 1383a(a)(4).

[Nothing further on this page.]

Agreed to and signed this 15th day of June 2016.



NICOLE DANA

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6/15/2016

Date



LINDA AVILES
Defendant

06/15/2016

Date



JEFFREY GRASS

Attorney for the Defendant

6/15/2016

Date